

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

VITO J. PIZZO

Debtor

Case No. 5-20-02417

Chapter 13

Henry W. Van Eck, C.B.J.

NOTICE OF FILING OF SECOND AMENDED PLAN

To: Creditors, Parties in Interest, and the Office of the United States Trustee

NOTICE IS HEREBY GIVEN THAT the Debtor in the above matter has filed a **Second Amended Plan**. A copy of the **Second Amended Plan** is included with this Notice.

A confirmation Hearing on the First Amended Plan has been scheduled for

Date: August 4, 2021 at 9:30 a.m.

Time 9:30 a.m.

Place: Courtroom No. 2

United States Bankruptcy Court

Max Rosenn U.S. Courthouse

197 S. Main St.

Wilkes-Barre, PA 18701

Any objection/response to the **Second Amended Plan** must be filed with the Court and served upon counsel for the Debtor at the address listed below, on or before **July 28, 2021**. Any filing must conform to the Rules of Bankruptcy Procedure, unless the Court determines otherwise. Any objections to confirmation of the plan will be heard at the above-scheduled confirmation hearing. Counsel should be prepared to proceed on any unresolved objections to the plan at this time.

If Service was properly made and any creditor or other party in interest failed to file an objection/response by the above specified date, the Court may determine after review of the **Second Amended Plan** that no hearing is required and confirm the Second Amended Plan.

Brian E. Manning, Esquire
Law Office of Brian E. Manning
502 S. Blakely St., Suite B
Dunmore, PA 18512
Tel. 570-558-1126
Fax 866-559-9808
Email: brianemanning@comcast.net
Attorney for the Debtor

Date of Mailing: June 29, 2021

LOCAL BANKRUPTCY FORM 3015-1**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA****IN RE:
VITO J. PIZZO**

CHAPTER: 13

CASE NO. 5-20-02417

☐ ORIGINAL PLAN

Debtor(s) 2nd AMENDED PLAN (indicate #)

NONE Number of Motions to Avoid Liens

NONE Number of Motions to Value Collateral

CHAPTER 13 PLAN**NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The plan contains nonstandard provisions, set out in § 9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
2	The plan contains a limit on the amount of a secured claim, set out in § 2.E, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
3	The plan avoids a judicial lien or nonpossessory, nonpurchase- money security interest, set out in § 2.G	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan.

1. PLAN FUNDING AND LENGTH OF PLAN.**A. Plan Payments From Future Income**

1. To date, the Debtor paid \$ 2,640.00 (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$ 49,715.19 plus other payments and property stated in § 1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
07/2021	10/2025	905.29	0.00	905.29	47,075.08
				Total Payments:	47,075.08

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.
3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.
4. *Check One:*
- ☒ Debtor is at or under median income.

B. Additional Plan Funding From Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$ [Enter text here](#). (Liquidation value is calculated as the value of all non- exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

Check one of the following two lines:

☒ No assets will be liquidated. *If this is checked, skip § 1.B.2 and complete § 1.B.3 if applicable.*

☐ Certain assets will be liquidated as follows:

2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$ [Enter text here](#) from the sale of property known and designated as [Enter text here](#). All sales shall be completed by [Date](#). If the property does not sell by the date specified, then the disposition of the property shall be as follows: [Enter text here](#)
3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: [Enter text here](#)

2. SECURED CLAIMS.

A. Pre-Confirmation Distributions. Check One:

☒ None.

B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check One:

☐ None.

If this is checked, the rest of § 2.B need not be completed or reproduced.

- ☒ Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Fay Servicing	Debtor's Residence	8521

C. Arrears (Including, but not limited to, claims secured by Debtor's principal residence). Check One:

☐ None.

If this is checked, the rest of § 2.C need not be completed or reproduced.

- ☐ The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed claim. If post-petition arrears are not itemized in an

allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Postpetition Arrears to be Cured	Estimated Total to be paid in plan
Fay Servicing	Debtor's Residence	34,306.03	9,389.60	42,457.63

D. Other secured claims (conduit payments and claims for which a § 506 valuation is not applicable, etc.) Check One:

☒ None.

E. Secured claims for which a § 506 valuation is applicable. Check One:

☒ None.

F. Surrender of Collateral. Check One:

☒ None.

G. Lien Avoidance. Do not use for mortgages or for statutory liens, such as tax liens. Check One:

☒ None.

3. PRIORITY CLAIMS.

A. Administrative Claims

- Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
- Attorney's fees. Complete only one of the following options:
 - In addition to the retainer of \$ 4000.00 already paid by the Debtor, the amount of \$ 0 in the plan. This represents the unpaid balance of the presumptively

reasonable fee specified in L.B.R. 2016-2(c); or

- b. \$ [Enter text here](#) per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).

3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above. *Check one:*

☒ None.

B. Priority Claims (including certain Domestic Support Obligations).

Allowed unsecured claims entitled to priority under § 1322(a) will be paid in full unless modified under §9.

Name of Creditor	Estimated Total Payment
Internal Revenue Service	1500.00

C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B). *Check one:*

☒ None.

4. UNSECURED CLAIMS.

A. Claims of Unsecured Nonpriority Creditors Specially Classified. *Check one:*

☒ None.

B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES. *Check one:*

☒ None.

6. VESTING OF PROPERTY OF THE ESTATE.

Property of the estate will vest in the Debtor upon

Check the applicable line:

- ☒ plan confirmation.
☐ entry of discharge.
☐ closing of case.

7. DISCHARGE: *(Check one)*

- ☒ The debtor will seek a discharge pursuant to § 1328(a).
☐ The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

8. ORDER OF DISTRIBUTION:

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

Level 1: [Enter text here](#)

Level 2: [Enter text here](#)

Level 3: [Enter text here](#)

Level 4: [Enter text here](#)

Level 5: [Enter text here](#)

Level 6: [Enter text here](#)

Level 7: [Enter text here](#)

Level 8: [Enter text here](#)

If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

Level 1: Adequate protection payments.

Level 2: Debtor's attorney's fees.

Level 3: Domestic Support Obligations.

Level 4: Priority claims, pro rata.

Level 5: Secured claims, pro rata.

Level 6: Specially classified unsecured claims.

Level 7: Timely filed general unsecured claims.

Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

9. NONSTANDARD PLAN PROVISIONS.

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

[Enter text here](#)

Dated: June 29, 2021

Brian E. Manning
Attorney for Debtor

Vito Pizzo
Debtor

[Enter text here](#)
Joint Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.

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4 UNITED STATES BANKRUPTCY COURT
5 MIDDLE DISTRICT OF PENNSYLVANIA
6 WILKES-BARRE DIVISION

7 IN RE:
8 VITO J PIZZO

CASE NO: 20-02417

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 13

11
12 On 6/29/2021, I did cause a copy of the following documents, described below,
13 Notice of Second Amended Plan Setting Objection an Hearing Dates
14 Second Amended Plan
15
16
17
18

19 to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with
20 sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and
incorporated as if fully set forth herein.

21 I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.
22 com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to
Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if
fully set forth herein.

23 Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been
24 served electronically with the documents described herein per the ECF/PACER system.

25 DATED: 6/29/2021

26 /s/ Brian E. Manning, Esquire
Brian E. Manning, Esquire 41652

27 Law Office of Brian E. Manning
502 South Blakely St.
28 Dunmore, PA 18512
570 558 1126

1
2
3 UNITED STATES BANKRUPTCY COURT
4 MIDDLE DISTRICT OF PENNSYLVANIA
5 WILKES-BARRE DIVISION

6 IN RE:
7 VITO J PIZZO

CASE NO: 20-02417

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 13

11 On 6/29/2021, a copy of the following documents, described below,
12 Notice of Second Amended Plan Setting Objection an Hearing Dates
13 Second Amended Plan
14
15
16
17
18

19 were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient
20 postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth
herein.

21 The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above
22 referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of
Service and that it is true and correct to the best of my knowledge, information, and belief.

23 DATED: 6/29/2021

24 

25 Jay S. Jump
26 BK Attorney Services, LLC
27 d/b/a certificateofservice.com, for
28 Brian E. Manning, Esquire
Law Office of Brian E. Manning
502 South Blakely St.
Dunmore, PA 18512

PARTIES DESIGNATED AS "EXCLUDE" WERE NOT SERVED VIA USPS FIRST CLASS MAIL
PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
03145
CASE 5-20-BK-02417-HWV
MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE
TUE JUN 29 12-16-06 EDT 2021

AMATO KEATING
107 N COMMERCE WAY
BETHLEHEM PA 18017-8913

AMERICAN EXPRESS NATIONAL BANK
CO BECKET AND LEE LLP
PO BOX 3001
MALVERN PA 19355-0701

AMEX
CORRESPONDENCEBANKRUPTCY
PO BOX 981540
EL PASO TX 79998-1540

AMEX
PO BOX 981537
EL PASO TX 79998-1537

BANK CS LLCFIDELITY D
101 N BLAKELY ST
DUNMORE PA 18512-1901

CAINE WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

CAPITAL ONE
ATTN BANKRUPTCY
PO BOX 30285
SALT LAKE CITY UT 84130-0285

CAPITAL ONE BANK USA NA
BY AMERICAN INFOSOURCE AS AGENT
PO BOX 71083
CHARLOTTE NC 28272-1083

CAPITAL ONE BANK USA N
PO BOX 30281
SALT LAKE CITY UT 84130-0281

DISCOVER BANK
DISCOVER PRODUCT INC
PO BOX 3025
NEW ALBANY OH 43054-3025

DISCOVER FIN SVCS LLC
PO BOX 15316
WILMINGTON DE 19850-5316

DISCOVER FINANCIAL
ATTN BANKRUPTCY
PO BOX 3025
NEW ALBANY OH 43054-3025

ENHANCED RECOVERY CO L
PO BOX 57547
JACKSONVILLE FL 32241-7547

FAY SERVICING LLC
ATTN BANKRUPTCY DEPT
PO BOX 809441
CHICAGO IL 60680-9441

FAY SERVICING LLC
CO MCCALLA RAYMER LEIBERT PIERCE LLC
BANKRUPTCY DEPARTMENT
1544 OLD ALABAMA ROAD
ROSWELL GA 30076-2102

FAYFINANCIAL
1601 LYNDON B JOHNSON FWY
FARMERS BRANCH TX 75234-6512

FIDELITY DEPOSIT DISCOUNT BANK
338 N WASHINGTON AVENUE
SCRANTON PA 18503-1554

FIDELITY DEPOSIT DISCOUNT BANK
338 NORTH WASHINGTON AVENUE
SCRANTON PA 18503-1554

LVNV FUNDING LLC
RESURGENT CAPITAL SERVICES
PO BOX 10587
GREENVILLE SC 29603-0587

LVNV FUNDING LLC CO RESURGENT CAPITAL
SERV
PO BOX 10587
GREENVILLE SC 29603-0587

LAW OFFICE OF BRIAN E MANNING
502 S BLAKELY ST
DUNMORE PA 18512-2237

MIDLAND CREDIT MANAGEMENT INC AS AGENT
FOR
ASSET ACCEPTANCE LLC
PO BOX 2036
WARREN MI 48090-2036

MANLEY DEAS KOCHALSKI LLC
PO BOX 165028
COLUMBUS OH 43216-5028

BRIAN E MANNING
502 SOUTH BLAKELY STREET
SUITE B
DUNMORE PA 18512-2237

MARINER FINANCE
8211 TOWN CENTER DR
NOTTINGHAM MD 21236-5904

MARINER FINANCE LLC
ATTN BANKRUPTCY
8211 TOWN CENTER DR
NOTTINGHAM MD 21236-5904

PARTIES DESIGNATED AS "EXCLUDE" WERE NOT SERVED VIA USPS FIRST CLASS MAIL
PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

MIDLAND CREDIT MANAGEM
320 E BIG BEAVER RD
TROY MI 48083-1238

MIDLAND CREDIT MANAGEMENT INC
PO BOX 2037
WARREN MI 48090-2037

ONEMAIN
PO BOX 1010
EVANSVILLE IN 47706-1010

ONEMAIN FINANCIAL
ATTN BANKRUPTCY
PO BOX 3251
EVANSVILLE IN 47731-3251

PRA RECEIVABLES MANAGEMENT LLC
PO BOX 41021
NORFOLK VA 23541-1021

PENNSYLVANIA DEPARTMENT OF REVENUE
BANKRUPTCY DIVISION
PO BOX 280946
HARRISBURG PA 17128-0946

DEBTOR

VITO J PIZZO
511 HARRISON AVE
SCRANTON PA 18510-2311

PIZZO VITO J
511 HARRISON AVE
SCRANTON PA 18510-2311

PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

RAYMOUR FLANIGAN
ATTN BANKRUPTCY
PO BOX 130
LIVERPOOL NY 13088-0130

JOSEPH P SCHALK
OFFICE OF THE UNITED STATES TRUSTEE
228 WALNUT STREET
SUITE 1190
HARRISBURG PA 17101-1722

REBECCA ANN SOLARZ
KML LAW GROUP PC
701 MARKET ST
SUITE 5000
PHILADELPHIA PA 19106-1541

JILL M SPOTT
SHEILS LAW ASSOCIATES PC
108 NORTH ABINGTON ROAD
CLARKS SUMMIT PA 18411-2505

SYNCBAMAZON
PO BOX 965015
ORLANDO FL 32896-5015

SYNCHRONY BANK
CO PRA RECEIVABLES MANAGEMENT LLC
PO BOX 41021
NORFOLK VA 23541-1021

SYNCHRONY BANKAMAZON
ATTN BANKRUPTCY
PO BOX 965060
ORLANDO FL 32896-5060

TD RETAIL CARD SERVICES
CO CREDITORS BANKRUPTCY SERVICE
PO BOX 800849
DALLAS TX 75380-0849

TDRCSRAYMOUR FLANIG
1000 MACARTHUR BLVD
MAHWAH NJ 07430-2035

THE SHERWIN WILLIAMS CO
811 S WASHINGTON AVE
SCRANTON PA 18505-3895

US BANK NA DBA ELAN FINANCIAL SERVICES
BANKRUPTCY DEPARTMENT
PO BOX 108
SAINT LOUIS MO 63166-0108

US BANK TRUST NATIONAL ASSOCIATION
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

US BANK TRUST NATIONAL ASSOCIATION
CO FAY SERVICING LLC
PO BOX 814609
DALLAS TX 75381-4609

UNITED STATES TRUSTEE
228 WALNUT STREET SUITE 1190
HARRISBURG PA 17101-1722

JAMES WARMBRODT
701 MARKET STREET SUITE 5000
PHILADELPHIA PA 19106-1541

JACK N ZAHAROPOULOS
ATTN CHAPTER 13 TRUSTEE
8125 ADAMS DRIVE SUITE A
HUMMELSTOWN PA 17036-8625

ADDRESSES WHERE AN EMAIL IS PRESENT WERE SERVED VIA "CM/ECF E-SERVICE" THROUGH THE UNITED STATES BANKRUPTCY COURT'S NOTICE OF ELECTRONIC FILING ("NEF") SYSTEM.

(Trustee)
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036

info@pamd13trustee.com

United States Trustee
228 Walnut Street, Suite 1190
Harrisburg, PA 17101
(Asst. U.S. Trustee)
represented by:
Joseph P Schalk
Office of the United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

joseph.schalk@usdoj.gov

James Warmbrodt
701 Market Street Suite 5000
Philadelphia, PA 19106

jwarmbrodt@kmllawgroup.com

(Creditor)
US Bank Trust National Association,
Not In Its Individual Capacity But
Solely As Owner Trustee For VRMTG
Asset Trust
represented by:
Rebecca Ann Solarz
KML Law Group, P.C.
701 Market St.
Suite 5000
Philadelphia, PA 19106

bkgroup@kmllawgroup.com

Vito J. Pizzo
511 Harrison Ave
Scranton, PA 18510-2311
(Debtor 1)
represented by:
Brian E Manning
502 South Blakely Street
Suite B
Dunmore, PA 18512

BrianEManning@comcast.net

(Creditor)
PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

claims@recoverycorp.com

John J Martin (Trustee)
Law Offices of John J Martin
1022 Court Street
Honesdale, PA 18431
(Former Trustee)

pa36@ecfcbis.com

(Creditor)
Fidelity Deposit & Discount Bank
338 N. Washington Avenue
Scranton, PA 18503
represented by:
Jill M. Spott
Sheils Law Associates, PC
108 North Abington Road
Clarks Summit, PA 18411

jspottesq@sheilslaw.com

(Creditor)
Fay Servicing, LLC
c/o McCalla Raymer Leibert Pierce, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076

Charles J DeHart, III (Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(Former Trustee)

dehartstaff@pamd13trustee.com